

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA, :
: :
v. : No. 7:16-CR-832
: :
NICHOLAS TARTAGLIONE, :
: :
Defendant. : (Judge Karas)
: :
-----x

MOTION TO WITHDRAW

Oliver W. Loewy, counsel for Nicholas Tartaglione, respectfully moves that the Court allow him to withdraw as counsel in this case for the following reasons:

1. Inga L. Parsons and Susan C. Wolfe recently entered their notices of appearance as counsel for Mr. Tartaglione.
2. It is my understanding that Mses. Parson and Wolfe are replacing Mr. Barket and Ms. Leisenring, who will be seeking to withdraw as counsel for Mr. Tartaglione in this case.
3. The appearance of new counsel for Mr. Tartaglione creates a conflict for me because they will need to determine whether to seek a new trial on ineffective assistance of counsel grounds.

*See, e.g., United States v. Hild, 2022 U.S. Dist. LEXIS 220841 at *44 (S.D.N.Y. 2022)*

(considering ineffective assistance of counsel claim raised in Rule 33 motion).

For these reasons, undersigned counsel respectfully requests that the Court allow him to withdraw as counsel for Mr. Tartaglione in this case.

Dated this 9th day of May 2023.

RESPECTFULLY SUBMITTED,

s/ Oliver W. Loewy

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